APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,658	01/08/2002	Brian Carl Stanz	3601-58	6991

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EXAMINER
LERNER, MARTIN

ART UNIT	PAPER NUMBER
2626	

DATE MAILED: 05/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 May 2006*.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *18 to 24 and 30 to 36* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *18 to 24 and 30 to 36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *07 October 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1.   Applicants' election without traverse of Group III, Claims 18 to 24, in the reply

filed on 04 May 2006 is acknowledged.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3.   Claims 18 to 22, 24, and 30 to 36 are rejected under 35 U.S.C. 102(b) as being

anticipated by *Malcolm*.

Regarding independent claims 18, and 34 to 36, *Malcolm* discloses a method,

system, and software program for supporting multilingual translations, comprising:

"providing a first iteration of a source software program, wherein said source

software program comprises at least a first component written in a first natural

language" – language dependent file 70 is written in English (column 9, lines 55 to 60:

Figures 4 and 5); object code file 32 defines screen panels for an application entering

customer data for transactions ("a source software program") (column 4, lines 55 to 58:

Figures 3a to 3c and Figure 4); English is "a first natural language";

"determining a translation status of said at least a first component with respect to at least a second natural language" – pseudo-code for aiding translation of a language dependent file 70 into another language dependent file 100 suitable for a particular language to be supported is provided (column 9, lines 55 to 67: Table 2: Figure 4); language dependent file 100 is in German, "a second natural language"; a change log file 140 is generated to track and log changes made during development by comparing a current version of language dependent file 70 with a previous version of language dependent file 136 ("determining a translation status") (column 10, line 16 to column 11, line 25: Table 3: Figure 4);

"providing for the translation of said at least a first component of said source software program into a second natural language, wherein said translated first component is part of a target software program" – pseudo-code ("software") for aiding translation of a language dependent file 70 into another language dependent file 100 suitable for a particular language to be supported is provided (column 9, lines 55 to 67: Table 2: Figure 4);

"updating a translation status of said at least a first component with response to said second natural language" – a log entry creates a log entry of a date and time of changes, and whether a file string is "Change" or "New" (column 11, lines 10 to 20: Table 3: Figure 4);

"displaying said at least a first component of said software translated into said second language in the context of said first component's usage in said target software program" – translation of language dependent file 70 results in a corresponding file 100

in a German language ("translated into said second language"); language dependent

file 100 serves as input to panel-formatter subsystem 108, and is displayed as panel

120 (column 6, lines 25 to 60: Figures 4 and 5); Case 1 and Case 2 of Figure 5 show

how records for both a US Language file and German Language file ("said target

software program") are displayed; subscreens and panels are dynamically generated

(column 2, line 55 to column 3, line 1; column 4, lines 58 to 63);

"providing a second iteration of said software program, after providing for the

translation of said at least a first component of said source software program" –

changes in a software development cycle pass through various stages prior to the end

product (column 10, lines 16 to 56); a log entry creates a date and time of changes, and

whether a file string is "Change" or "New" (column 11, lines 10 to 20: Table 3: Figure 4);

thus, iterative changes to software in development are provided, and status of a text

string is entered in change log file 140 as "Change or "New".

Regarding independent claim 34, *Malcolm* further discloses:

"a processor" – a typical system for practicing the invention involves a processor

11, which contains a microprocessor (column 3, line 57 to column 4, line 4: Figures 1

and 2);

"a storage device in communication with the processor" – a source file is

generated and stored via internal bus system 29 to file storage means 30 (column 4,

lines 16 to 24: Figure 1).

Regarding claims 19 to 20 and 24, *Malcolm* discloses screen panels are provided

for a source file 40 as sample panel 80, or as English language panel 88 (column 5,

lines 1 to 43: Figures 4 and 5); translation of language dependent file 70 results in a

corresponding file 100 into a German language; language dependent file 100 serves an

input to panel-formatter subsystem 108, and is displayed as panel 120 (column 6, lines

25 to 60: Figures 4 and 5); implicitly, panel-formatter subsystem 108 displays screen

panels simultaneously.

Regarding claims 21 to 22, *Malcolm* discloses changes in a software

development cycle pass through various stages prior to the end product (column 10,

lines 16 to 56); a log entry creates a log entry of a date and time of changes, and

whether a file string is "Change" or "New" (column 11, lines 10 to 20: Table 3: Figure 4);

thus, changes ("revisions") are recorded ("updated") in change log file 140.

Regarding claims 30 to 33, *Malcolm* discloses changes in a software

development cycle pass through various stages prior to the end product (column 10,

lines 16 to 56); a log entry creates a date and time of changes, and whether a file string

is "Change" or "New" (column 11, lines 10 to 20: Table 3: Figure 4); here, "a user" who

is preparing first and second iterations of a software program is a translator who is

translating a software program through changes in development cycles; a "New" log

entry corresponds to "writing said software program", and a "Change" log entry

corresponds to "editing said software program".

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Malcolm*

in view of *Lakritz*.

        Malcolm discloses all of the limitations of translating, recording a status,

detecting revisions, updating, retranslating, and displaying, omitting only "a third natural

language". However, it is quite common for language translation software to provide for

translation between more than two languages. Specifically, *Lakritz* teaches a

translation management system for translating HTML documents into a list of

languages. (Column 5, Lines 27 to 62: Figure 12) The objective is to provide

translation services that are instantly available to a user as automated translation tools

to incrementally update the language content of a web site. (Column 2, Lines 10 to 39)

It would have been obvious to one having ordinary skill in the art to provide translation

services between at least three natural languages as suggested by *Lakritz* in the

method and system to support automated translations of *Malcolm* for the purpose of

incrementally updating language content of a web site.

Response to Arguments

6.   Applicants' argument filed 03 January 2006 has been fully considered but is not persuasive.

Applicants present arguments that *Malcolm* fails to teach or suggest, with respect to former independent claim 1 (now cancelled pursuant to the restriction requirement), an element of displaying a first record containing source text in a first natural language as it will be seen for a user of the computer program. Applicants say that *Malcolm* fails to teach or suggest that the translator is provided with a working version of the application to be translated. This is not persuasive.

Independent claims 18 and 34 to 36 do not contain limitations directed to displaying source text in a first natural language as it will be seen for a user of the computer program. Nor do the independent claims have limitations directed to providing a translator with a working version of the application to be translated. Instead, independent claims 18 and 34 to 36 state that first and second iterations of a source software program are provided, but that the software program comprises only "at least a first component" written in a first natural language is displayed "in the context of said first component's usage". Thus, the independent claims only require that what is provided to the translator is "at least a first component" of the software program, and not an entire software program.

Malcolm discloses providing a translator "at least a first component" of a software program being translated "in the context of said first component's usage". Applicants' citation of *Malcolm*, at Column 5, Line 55 to Column 6, Line 31, is sufficient to show that

the reference discloses providing a translator "at least a first component". The passage,

underlined by Applicants to add emphasis, states, "so that only the information requiring

translation from one language to another need be conveyed to translators or translation

centers. . . ." Thus, even if only information requiring translation is provided to a

translator, said information requiring translation meets the limitation of providing to the

translator "at least a first component".

Saying that *Malcolm* discloses providing "at least a first component" of a software

program being translated is consistent with Figure 4 of *Malcolm*. Here, an English

language version of a language dependent file 70 containing elements for inputting a.

"Transaction", b. "Date of transaction", c. "Time of transaction", and d. "Amount" are

shown, accompanied by a corresponding entry of a German language version of a

language dependent file 100 following a translation step. Not all of a source program

needs to be provided to a translator: only a language dependent portion of the source

program is provided. Specifically, language independent information provided to a

compiler need not be provided to a translator. Language dependent information

requiring translation would be elements of a language dependent file 70 that are

provided to a user in a natural language, *i.e.* a. "Transaction", b. "Date of transaction",

etc. Language independent information not requiring translation would be elements of a

language independent file that are not provided to a user in a natural language, *i.e.*

compiler source code "create datefield" 50, "create timefield" 54, and "create

currencyfield" 56. Still, *Malcolm* meets the limitation of providing "at least a first

component" of a software program written in a first natural language by providing a

language dependent file to a translator for elements requiring a user to input

information: a. "Transaction", b. "Date of transaction", *etc.* These elements are "in the

context of said first component's usage" because all four elements a. to d. of a language

dependent file are displayed together for a translator by Figure 4.

Furthermore, Applicants argue that *Malcolm* does not provide to the translator a

record containing source text in a first natural language as "it will be seen by the user".

Applicants contend that there is nothing in *Malcolm* disclosing or suggesting that the

panels of Figure 5 are displayed to the translator. Instead, Applicants are maintaining

that the panels of Figure 5 are only displayed to the user. Applicants cite *Malcolm*,

Column 9, Lines 58 to 67, where it is stated that when a word is conveyed in the

language dependent file, it may not have any context associated with it. This is not

persuasive.

Firstly, the limitation of providing source text in a first natural language "as it will

be seen by the user" in not found in any of currently pending independent claims 18 and

34 to 36. The currently pending independent claims contain limitations only directed to

providing "at least a first component" "in the context of said first component's usage",

which is met by *Malcolm*'s Figure 4, which discloses all elements of a language

dependent file are displayed together. Thus, any arguments directed to what should be

construed by *Malcolm*'s Figure 5 are not relevant.

Secondly, it is maintained that Applicants are presenting an overly literal reading

of *Malcolm*. Applicants say that Figure 5 of *Malcolm* should only be construed as

panels that are conveyed to an end user, and not what is conveyed to a translator.

However, even if a limitation directed to "as it will be seen be the user" is added to the independent claims, it is contended that the limitation would still be met by *Malcolm*. It strains what is ordinarily known to those skilled in the art of software development to hold that an end product would not be available for view by a developer during the development process.

Applicants cite *Malcolm* as saying that words conveyed in a language dependent file may not have any context associated with it, but that is not because a translator does not have access to an end product as it will appear to a user. Rather, what is conveyed to a translator does not have any context associated with it because even an end product does not indicate a context to a translator. Thus, the word "Amount", which is annotated as a noun for a translator by *Malcolm*, would not have any context as a noun or a verb, even if the end product were to be displayed to the translator. Applicants are reading *Malcolm*'s description of an annotation tag in an overly literal manner.

The prior art should be read for what it suggests, as a whole, to one having ordinary skill in the art. Here, one having ordinary skill in the art of software development would not read *Malcolm* as excluding a translator from viewing an end product during development, as those skilled in the art would recognize that software developers would naturally and inherently be provided with an end product for final testing.

Therefore, the rejections of claims 18 to 22, 24, and 30 to 36 under 35 U.S.C. §102(b) as being anticipated by *Malcolm*, and of claim 23 under 35 U.S.C. §103(a) as being unpatentable over *Malcolm* in view of *Lakritz*, are proper.
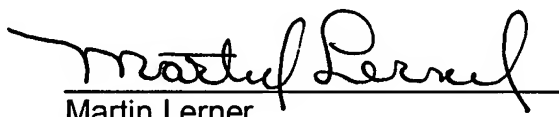
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Martin Lerner whose telephone number is (571) 272-7608. The examiner can normally be reached on 8:30 AM to 6:00 PM Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R. Hudspeth can be reached on (571) 272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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ML
5/24/06

Martin Lerner
Examiner
Group Art Unit 2626